

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED

SEP 12 2019

In re: : Case No.: 17-23561-GLT
: Chapter: 13
David Lee Jones :
:
:
:
Debtor(s). : Date: 9/11/2019
Time: 09:00

CLERK, U.S. BANKRUPTCY COURT
WEST DIST. OF PENNSYLVANIA

PROCEEDING MEMO

MATTER: #86 - Motion for Relief from Automatic Stay and for Co-Debtor Relief by U.S. Bank Trust N.A.
#89 - Response by Debtor

APPEARANCES:

Debtor: David A. Colecchia
Trustee: Owen Katz
US Bank: No Appearance

NOTES:

Court: In the absence of an appearance by counsel for the movant, the Court is inclined to deny the motion due to the failure to prosecute.

Colecchia: There have been no communications between debtor and US Bank since the motion was filed. Debtor is a disabled veteran and counsel is waiting for disability benefits.

Court: Debtor failed to file a status report. The funding in plan is not sufficient, and prior efforts to obtain VA benefits have not been fruitful. While the Court has afforded Mr. Jones one year in the loss mitigation program and two years in bankruptcy, no progress has been made to make this a feasible plan. While the Court is sympathetic to Mr. Jones' circumstances, the status quo cannot continue indefinitely.

[Counsel for Creditor, Matthew Burney, arrived after the hearing was concluded and was advised the motion was dismissed without prejudice.]

OUTCOME:

1. The *Motion for Relief from Automatic Stay* [Dkt. No. 86] is denied without prejudice for failure to prosecute. O/E

DATED: 9/11/2019